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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES, in their)	No.	CV 09 0271 TEH
capacities as Trustees of the LABORERS)		
HEALTH AND WELFARE TRUST FUND)		
FOR NORTHERN CALIFORNIA;)		
LABORERS VACATION-HOLIDAY TRUST)		
FUND FOR NORTHERN CALIFORNIA;)		
LABORERS PENSION TRUST FUND FOR)	PROPOSED	TOTAL JUDGMENT BY
NORTHERN CALIFORNIA; and LABORERS)	DEFAULT	
TRAINING AND RETRAINING TRUST)		
FUND FOR NORTHERN CALIFORNIA,)		
)		
Plaintiff,)		
)		
v.)		
)		
BUILDEX, INC., A California Corporation; and)		
BUILDEX, INC. doing business as CLEANEX,)		
INC.,)		
)		
Defendants.)		

This Court issued its Order Granting in Part Motion for Default Judgment in favor of Plaintiffs, THE BOARD OF TRUSTEES, in their capacities as Trustees of the LABORERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA; LABORERS VACATION-HOLIDAY TRUST FUND FOR NORTHERN CALIFORNIA; LABORERS PENSION TRUST FUND FOR NORTHERN CALIFORNIA; and LABORERS TRAINING AND

RETRAINING TRUST FUND FOR NORTHERN CALIFORNIA (hereinafter "Plaintiffs"), and against Defendants, BUILDEX, INC., A California Corporation; and BUILDEX, INC. doing business as CLEANEX, INC. (hereinafter "Defendants"), which was signed by the Honorable Thelton E. Henderson and filed with the Court on October 19, 2010. (Document No. 69.) Having considered the pleadings and arguments in this matter, and good cause appearing, this Court

FINDS AS FOLLOWS:

1. The Complaint in this matter was filed with this Court on January 22, 2009.
2. Defendants were duly served with process in this matter;
3. That no answer or other responsive pleadings having been filed within the time permitted by law, default was entered against the Defendants on February 12, 2010;
4. Defendants have been employers within the meaning of section 3(5) and section 515 of ERISA (29 U.S.C. §§ 1002(5), 1145) and employers in an industry affecting commerce within the meaning of section 301 of the LMRA (29 U.S.C. § 185);
5. The Court finds the allegations in the Complaint on file herein are true including the fact that Defendants have been bound to a written Collective Bargaining Agreement with the Northern California District Council of Laborers, a labor organization within the meaning of LMRA §301, 29 U.S.C. §150. By virtue of becoming bound to the Collective Bargaining Agreement, Defendants became subject to all the terms and conditions of the various Trust Agreements referred to in the Complaint; and
6. That Defendants have failed, neglected or refused to submit to an audit as requested by Plaintiffs pursuant to said Collective Bargaining Agreement and Trust Agreements, and the Order Granting in Part Motion for Default Judgment entered October 19, 2010.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT Judgment be entered in favor of Plaintiffs and against Defendants as follows:

1. Defendants are ordered to submit to an audit by auditors selected by the Trust Funds at Defendants' premises during business hours, or where the records are kept, at a reasonable time or times, and to allow said auditors to examine and copy such books, records, papers, reports of

Atlas, relating to the time period beginning January 1, 2004 to the present, that are relevant to the enforcement of the collective bargaining agreement or Trust Agreements, including but not limited to the following:

Individual earning records (compensation); W-2 forms; 1096 and 1099 forms; reporting forms for all Trust Funds; State DE-3 tax reports; workers compensation insurance report; employee time cards; payroll journal; quarterly payroll tax returns (form 941); check register and supporting cash voucher; Form 1120- 1040 or partnership tax returns; general ledger – (portion relating to payroll audit);

2. This Court shall retain jurisdiction of this matter to enforce the Order compelling an audit and payment of any amounts found due and owing as a result of the audit;

3. Defendants are directed and permanently enjoined to timely submit all required monthly contribution reports and contributions due and owing by Defendants; and

4. Defendants are ordered to pay Plaintiffs' attorneys' fees of \$4,825.00 and costs of \$642.21.

DATED: 04/13/2011

HONORABLE
JUDGE OF



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